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Attorney Reference Number 6541-60632  
Application Number 09/168,919 *Reconsidered*  
1-7-03  
*mly*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Amin et al.

Application No. 09/168,919

Filed: October 9, 1998

For: TDMA MESSAGING SERVICE MICROCELL

Examiner: Roberta A. Stevens

Date: December 26, 2002

Art Unit: 2665

### CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on December 26, 2002 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

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### **REMARKS**

Reconsideration of the subject application is requested. Claims 14-21 stand rejected as allegedly obvious in view of Chennakeshu et al., U.S. Patent 6,314,081 (Chennakeshu). This rejection is traversed. Claim 14 recites a method of signal processing to determine a message in a multiplexed digital signal that includes a voice channel assignment subchannel for voice channel assignment signals and a short messaging subchannel for short messaging signals. The method comprises receiving the multiplexed digital signal and demultiplexing the multiplexed digital signal to generate a short messaging signal and a voice channel assignment signal. The voice channel assignment signal is screened from further processing and the message is determined from the short messaging signal. According to the Office action, Chennakeshu teaches a method of receiving a message on a digital control channel but does not teach or suggest discarding a voice channel assignment signal as recited in claim 14. The Office action contends that it would have been obvious to adapt the system of Chennakeshu to discard voice channel assignment signals. However, a prima facie case of obviousness requires that the prior art reference or references must teach or suggest all claim limitations, and there must be some suggestion or motivation either in the references themselves or in the knowledge available to one of ordinary skill in the art to modify or combine reference teachings. M.P.E.P., 8<sup>th</sup> ed., § 2142.

As admitted in the Office action, the single cited reference does not teach or suggest discarding voice channel assignment signals. The mere fact that a reference can be modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination. M.P.E.P., 8<sup>th</sup> ed., § 2143.01. The only teaching to discard voice channel assignment signals is found in the subject application, and it is impermissible hindsight to use this teaching in determining patentability. The Office action also contends that it would have been obvious to modify the system of Chennakeshu in order to avoid congestion. However, Chennakeshu teaches transmission of alpha-numeric messages using a combination of bit repetition and an increase in transmitted power, and message bits are transmitted multiple times. Thus, the system of Chennakeshu does not teach or suggest avoiding congestion, but instead increases congestion because of bit repetition. Therefore, Chennakeshu teaches away from the method of claim 14. Because the cited art does not teach or suggest all the features of claim 14, a prima facie case of obviousness has not been established, and claim 14 and dependent claims 15-17 are properly allowable.

Claim 18 recites a method of receiving a message on a digital control channel for use in a cellular messaging network. The method comprises receiving voice channel assignment signals related to the assignment of voice channels and short messaging signals based on the message from the digital control channel. The voice channel assignment signals and the short messaging signals are distinguished, and the voice channel assignment signals are discarded. As discussed above, Chennakeshu does not teach or suggest discarding voice channel assignment signals. Chennakeshu teaches increasing signal margin for alphanumeric messages by bit repetition and increasing signal power, and provides no motivation to discard a voice channel assignment signal. Because the cited references do not teach or suggest all the features recited in claim 18, nor provide any motivation for the combination of features of claim 18, a prima facie case of obviousness has not been established. Therefore, claim 18 and dependent claims 19-21 are properly allowable.

In view of the preceding remarks, claims 14-21 are properly allowable, and action to such end is requested.

Respectfully submitted,

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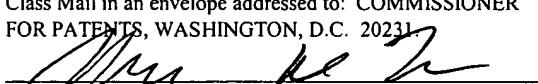
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 Attorney for Applicant
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Enclosed is an Amendment for the above application. The fee has been calculated as shown below.

CLAIMS AS AMENDED					
For	No. after amendment	No. paid for previously	Present Extra	Rate	Fee
Total Claims	8	- 20*	= 0	\$18.00	\$ 0.00
Indep. Claims	2	3**	= 0	\$84.00	\$ 0.00
Mult. Dep. Claims Fee (if not previously paid)					\$280.00
One-month Extension of Time					\$110.00 \$110.00
Two-month Extension of Time					\$400.00
Three-month Extension of Time					\$920.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$110.00

\* greater of twenty or number for which fee has been paid.

\*\* greater of three or number for which fee has been paid.

Applicants petition for an extension of time for the number of months indicated above. If an additional extension of time is required, please consider this a petition therefor.

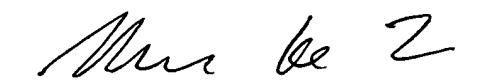
A check in the amount of \$110.00 is attached.

- Please charge any additional fees that may be required in connection with filing this Amendment and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- Please return the enclosed postcard to confirm that the items listed above have been received.

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